

(2010) 07 AHC CK 0423
In the Allahabad High Court
Case No : Criminal Revision No. 2563 of 2001

Shiva Nath and Others

APPELLANT

Vs

Addl. Session Judge and Others

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320
Penal Code, 1860 (IPC) — Section 420

Citation : (2010) 07 AHC CK 0423

Hon'ble Judges : Ashok Srivastava, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ashok Srivastava, J.—There is an illness slip of Mr. A.K. Yadav one of the learned Counsel for the revisionist but Mr. H.C. Dwivedi the second learned Counsel for the revisionist is present and he is ready to argue the matter. Mr. Radhey Shyam Dwivedi the learned Counsel for the opposite party Dharam Raj is also present.

2. I have heard learned Counsel for the parties and perused the records.

3. Six persons namely Shiva Nath, Shaileshwar, Kamleshwar, Nandoo @ Nand Lal, Nanhey & Sanjay were found guilty by 7th Addl. C.J.M., Varanasi and were convicted and sentenced to undergo various terms of imprisonment and were also directed to pay certain amounts of fine u/s 420 I.P.C. Feeling aggrieved by this judgment dated 16.2.1996 passed by the learned Addl. C.J.M., Varanasi in the criminal case No. 2165, two separate criminal appeals were filed before the learned Sessions Judge, Varanasi. The Appellant Nandoo @ Nand Lal filed criminal appeal No. 32/96 whereas the Appellants Shiva Nath, Saleswar, Kamleshwar, Nanhey and Sanjay filed separately the criminal appeal No. 31/96. Both the appeals were transferred to the Court of 10th Addl. Sessions Judge who dismissed both the appeals after hearing them on 28.11.2001.

4. Against the above mentioned judgment of learned Addl. Sessions Judge, the

revisionist Nandoo @ Nand Lal has filed criminal revision No. 2555 of 2001, Shiv Nath, Shaileshwar & Kamleshwar have filed criminal revision No. 2563 of 2001 and Nanhey and Sanjay have filed criminal revision No. 2604 of 2001. Since these three criminal appeals are intertwined they have been heard today together as they were connected to each other by an earlier order of this Court.

5. During the pendency of these revisions before this Court it appears that the complainant of the case and the revisionists have come to terms and therefore they have filed three separate compromise applications before this Court along with affidavits in each of the revisions.

6. From the perusal of Section 320 Code of Criminal Procedure of the Code of Criminal Procedure it is evident that Section 420 IPC is compoundable with permission of the Court.

7. After hearing the learned Counsel for both the parties I am of the view that the parties to the case have come to terms in a bonafide manner and it shall be in the interest of justice and the parties that permission be granted to them to compromise. It should be mentioned here that six revisionists were found guilty u/s 420 I.P.C. only. It appears necessary that the compromise deed be got verified by the C.J.M., Varanasi before disposing of the same finally by this Court.

8. In the above circumstances it is directed that let clear and legible photo copies of the compromise applications and affidavits is sent to the learned C.J.M., Varanasi. Learned C.J.M., Varanasi is directed to call in his Court all the six revisionists and the complainant of the case and verify the compromise. Learned C.J.M. is also directed to satisfy himself that the compromise is voluntary. Thereafter he shall submit a report to this Court without delay. He will conclude the proceedings within a period of 45 days from the date he receives a certified copy of this order.

9. Office is directed to place the matter before the Court immediately after receipt of the report from the learned C.J.M., Varanasi or on 23.9.2010, whichever is earlier.